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FILED & ENTERED

JUN 12 2018

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
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**NOT FOR PUBLICATION**

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION

CHANGES MADE BY COURT

|                 |   |                                    |
|-----------------|---|------------------------------------|
| In re           | ) | Case No.: 2:18-12562-RK            |
| FRANCISCO URIAS | ) | CHAPTER 7                          |
| NIMIA URIAS     | ) | ORDER DENYING RENEWED              |
|                 | ) | MOTION OF CREDITOR FOR             |
|                 | ) | ORDER AUTHORIZING DEBTOR           |
| Debtor(s),      | ) | EXAMINATION AND PRODUCTION         |
|                 | ) | OF DOCUMENTS UNDER                 |
|                 | ) | BANKRUPTCY RULE 2004               |
|                 | ) | Date: <del>06/29/2018</del>        |
|                 | ) | Time: <del>12:30PM</del>           |
|                 | ) | Place: <del>131 N TUSTIN AVE</del> |
|                 |   | <del>SUITE 200</del>               |
|                 |   | <del>TUSTIN CA 92780</del>         |

TO CREDITOR DANIEL'S JEWELERS AND ITS COUNSEL OF RECORD, RICHARD  
W. SNYDER, AND DEBTORS FRANCISCO URIAS AND NIMIA URIAS, AND THEIR  
COUNSEL OF RECORD, TRISTAN L. BROWN:

Pending before the court is the renewed motion of Creditor Daniel's Jewelers to  
examine Debtors under Federal Rule of Bankruptcy Procedure at the office of counsel  
for Creditor at 131 N. Tustin Ave., Suite 200, Tustin, CA 92780, on 06/29/2018 at  
12:30PM.

The court denied a prior Rule 2004 examination on grounds that counsel for

1 DANIEL'S JEWELERS failed to comply with Local Bankruptcy Rule 2004-1 requiring a  
2 good faith attempt for a prefiling conference with counsel for Debtors to confer in person  
3 or telephonically to arrange for a mutually agreeable date, time and place and scope of  
4 such examination because counsel only provided notes of a legal assistant regarding  
5 alleged telephone calls to counsel for Debtors to schedule such a meeting. This time,  
6 counsel for Creditor caused a letter to be faxed to counsel for Debtors requesting him to  
7 contact counsel for Creditor's office within 4 days to set up a prefiling conference as  
8 suggested in the court's order denying the first motion. Although this attempt is better  
9 than the prior attempt, the court finds it inadequate and not in good faith because: (1)  
10 the 4-day response period is inadequate; and (2) just faxing the letter is insufficient  
11 service, and it should be mailed as well. The letter apparently justifies the short 4-day  
12 response period on grounds that "time is of the essence." The court disagrees that  
13 "time is of the essence" to justify a short 4-day response period.  
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17 In order to show a good faith attempt to arrange for a prefiling conference under  
18 Local Bankruptcy Rule 2004, this court will require Creditor to: (1) send a letter to  
19 counsel for Debtor requesting a prefiling conference, which must be by mail as the  
20 primary means of delivery and fax and/or email as secondary means of delivery; (2)  
21 because mail is the primary means of delivery, the response time should be at least  
22 seven calendar days before the motion may be filed; (3) once the letter is mailed,  
23 counsel for Creditor must attempt to contact counsel for Debtor by telephone at least  
24 twice to follow-up on the letter two or three days the motion after mailing, faxing and/or  
25 emailing the letter; and (4) the service attempts by mailing, faxing and/or emailing the  
26 letter, and the follow-up telephone calls must be documented in a narrative declaration  
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1 under penalty of perjury by someone with personal knowledge of these service attempts  
2 describing the dates and times of the service attempts and telephone calls, including the  
3 persons who served the letter and made the telephone calls. In the court's view, the  
4 preferred practice should be to send out the letter requesting the prefiling conference  
5 and setting a reasonable date and time of a prefiling conference under Local  
6 Bankruptcy Rule 2004-1 at least fourteen days in advance, which is served in the  
7 manner described herein, and then file the motion if counsel for Debtors fails to respond  
8 to these service attempts. The court feels that it has to explicitly state what should be  
9 done to comply with Local Bankruptcy Rule 2004-1 because the court has the distinct  
10 impression that counsel for Creditor just wants to do the minimum to meet the letter of  
11 Local Bankruptcy Rule 2004-1 requiring a good faith attempt to arrange for a prefiling  
12 conference rather than the spirit of the rule requiring a meaningful good faith effort to  
13 comply with the rule.  
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17 Creditor's motion for Rule 2004 examination of Debtors is denied again without  
18 prejudice. Debtors are not required to appear for a Rule 2004 examination before  
19 counsel for Daniel's Jewelers as noticed in the motion. Counsel for Daniel's Jewelers  
20 may not examine Debtors until he complies with the terms of this order.  
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22 IT IS SO ORDERED.

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25 Date: June 12, 2018



26 Robert Kwan  
27 United States Bankruptcy Judge  
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